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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,007	03/29/2001	Winky Lin	586-22-PA	8528

7590 07/06/2004  
Howard J Klevin  
KLEIN O'NEILL & SINGH  
2 Park Plaza Suite 510  
Irvine, CA 92614

EXAMINER

NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/821,007

**Applicant(s)**

LIN, WINKY

**Examiner**

THUAN T. NGUYEN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12 is/are allowed.
- 6) ☒ Claim(s) 1,4-8,13 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 2,3,14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

2. Claims 1, 4-8, 13, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tom (U.S. Patent No. 6,690,947 B1).

Regarding claims 1 and 13, Tom discloses an external data input device for a portable electronic device comprising a speech receiving and recognizing device detachably connected with the portable device for sending a controlling signal to the portable electronic device when the speech receiving and recognizing device receives a first sound speech signal, i.e., a cartridge detachable to the portable device (as shown in Figs. 5 & 6) with its structure for receiving and recognizing sound signals (as shown in Fig. 11 with antenna 125 and voice processing system 130 for sending control signals to the portable electronic device to handset components 120; and Tom further discloses an input device detachably connected to the speech receiving and recognizing device and the portable electronic device for storing the controlling signal in the speech receiving and recognizing device when the input device is connected to the speech and recognizing device (as shown in Fig. 7 with a detachable data input interface 96 & Fig.

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15 as data interface 204 is connected to the cartridge 200 for storing control signals in memory 202, and col. 29/lines 18-60).

As for claims 4 and 16, Tom inherently discloses "a hot key" for sending a control signal when a hot key is pressed, i.e., as one can designate a particular key in the keyboard SFT as "a hot key" for a certain purpose, i.e., displaying signal strength or memory recall (col. 24/line 43 to col. 25/line 40).

As for claims 5-6 and 17-18, these limitations are met as Tom shows that a connecting cable is connected between the speech receiving and recognizing device and the input device and/or the electronic device (as shown in Fig. 11 with connecting cables from the cartridge as the speech receiving and recognizing device to the data interface 122 and the handset components 120).

As for claims 7-8 and 19-20, these limitations are disclosed by Tom as Tom shows that the electronic device is a personal digital assistant (PDA) and/or a mobile phone (Figs. 1, 7 & 8, and col. 11/line 25 to col. 12/line 42 for a mobile phone & col. 24/lines 8-42 for a PDA).

### ***Allowable Subject Matter***

3. Claims 2-3 and 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

As for claim 2, the prior art of record fails to further address the external data-input device wherein the speech receiving and recognizing device further comprising a

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microphone, a filter, an analog-to-digital converter, a storing device, a comparing device with required steps as cited therein. (Claim 3 is dependent on claim 2).

5. Claims 9-12 are allowed.

6. The following is a statement of reasons for the indication of allowance:

As for claim 9, the prior art of record fails to teach or suggest a speech input and controlling method for a portable electronic device as cited with 4 steps including a leaning mode in a speech controlling state and the comparing step d using a threshold value for comparing similarity as cited.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Harris et al (US Patent 6,118,986), Kimura et al (US Patent 6,108,716), Brandenburg et al. (US Patent 6,665,173 B2), kamijo et al (US Patent 6,538,880 B1), and Duwaer et al (US Patent 6,201,951 B1) discloses a variation of system with detachable devices including the display and data-input parts.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

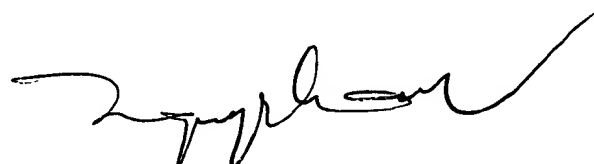
**(703) 872-9306, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).*

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.



TONY T. NGUYEN  
PATENT EXAMINER, FSO

Tony T. Nguyen  
Art Unit 2685  
June 23, 2004